

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RENETTO, LLC,

Plaintiff,

V.

**PROFESSIONAL SALES AND
MARKETING GROUP, INC.,**

Defendant.

Case No.: 1:07-cv-00789-GBL-TCB

**DEFENDANT'S MOTION TO RECONSIDER
DENIAL OF MOTION TO CHANGE VENUE**

Defendant Professional Sales and Marketing Group, Inc. (“PSM”) respectfully moves, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, this Court to reconsider its denial of PSM’s Motion to Change Venue. With great respect to the Court, PSM believes that this Court’s reconsideration is warranted (1) to account for new evidence not available at the November 2, 2007 hearing on the Motion to Change Venue (i.e., the statements of the United States District Court for the Northern District of Illinois (the “Illinois District Court”) in the initial lawsuit involving PSM and Renetto, LLC), and (2) to correct a clear error of law or prevent manifest injustice.

The first filed doctrine, which focuses on preventing a waste of judicial resources, dictates that the first court to assert jurisdiction over a case should be the court to decide the matter. *See Affinity Memory & Micro, Inc. v. K&Q Enter., Inc.*, 20 F. Supp. 2d 948, 954 (E.D. Va. 1998). In its November 5, 2007 order denying PSM'S Motion to Change Venue, this Court may have concluded that the first-filed rule did not apply because it determined that the Illinois District Court stopped exercising its jurisdiction over the case previously filed by PSM in that

Court before Renetto filed its complaint in the United States District Court for the Eastern District of Virginia. In this Motion to Reconsider, PSM clarifies that the Illinois District Court never stopped asserting subject matter jurisdiction over the case PSM filed in June 2007. In fact, the Hon. Ruben Castillo, who presides over the lawsuit involving the same claims in the Illinois District Court, provided commentary on his order in the past week. That commentary, which commentary was not available at the time of the initial hearing on PSM's motion, makes clear that the Illinois District Court, throughout the time pertinent to this motion, retained subject matter jurisdiction. Thus, PSM requests that this Court reconsider the law as it applies to the facts in these actions and grant PSM's Motion to Change Venue and/or transfer this matter to the Illinois District Court.

The reasons and basis for these motions is set forth more fully in PSM's concurrently filed Memorandum in Support of Defendant's Motion to Dismiss for Lack of Personal Jurisdiction or to Change Venue, which is incorporated as if fully set forth herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading was served by () U.S. Mail, postage prepaid; () fax; () Federal Express; **(X) Electronic Notification**; and/or () hand delivery this 13th day of November, 2007, to:

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